OFFICE OF THE GENERAL COUNSEL Division of Operations-Management

MEMORANDUM OM 14-20

January 22, 2014

TO: All Regional Directors, Officers-in-Charge, and Resident Officers

FROM: Anne Purcell. Associate General Counsel

SUBJECT: Revisions to Unfair Labor Practice Casehandling Manual

As part of a periodic review, a Committee has updated the Unfair Labor Practice Casehandling Manual.¹ Throughout the manual references to CATS have been revised to reflect adoption of NxGen, the Agency's electronic case record management system. Set forth below are additional revision highlights:

- (1) Language revised to delete requirement of filing four copies of charge (Section 10018);
- (2) Additional guidance regarding protection of social security numbers (Section 10052.11);
- (3) Additional guidance regarding the appropriateness of electronic notice posting (Section 10054.2(e));
- (4) Guidance regarding investigation necessary for arguable merit determination in discrimination and certain 8(a)(5) cases (Section 10054.2(g)-new);
- (5) Guidance and clarification regarding Board agents' liability for HIPAA violation (Section 10054.7);
- (6) Clarification of period for honoring requests for receipt of charges and petitions (Section 10058.1(c));
- (7) Further guidance regarding deferral procedure and review following grievance settlements and/or arbitration awards (Sections 10118.1 through .5);
- (8) Discussion of documentation of backpay calculations (Section 10124);
- (9) Discussion of requirement of signed waiver of reinstatement (Section 10130.4);
- (10) Further guidance regarding remedies in first contract bargaining cases (Section 10131.1 and .6(a); Section 10266.4);

¹ The revisions are the efforts of RD Wanda Pate-Jones, Region 27; RA Garey Lindsay, Region 9; RD Rik Lineback, Region 25; ARD Paul Murphy, Region 3; and DAGCs Richard Bock, Rosalind Eddins-Hill, and Peter Margolies, Operations-Management.

- (11) Further guidance regarding backpay remedies in settlement agreements (Section 10131.4 (a&b));
- (12) Further guidance regarding posting and dissemination of notices (Sections 10132, 10132.2, and 10132.4);
- (13) Additional discussion and guidance regarding backpay remedies (Section 10266.7);
- (14) Language revised to state that a case should be categorized promptly, rather than seven days after filing (Section 11740);
- (15) Guidance regarding Advice submissions (Section 11750.1 and .2);
- (16) Regional and Subregional Offices and areas served updated to reflect consolidation of Regions 1 and 34; Regions 10 and 11, and the Nashville Resident Office; Regions 12 and 24; Regions 14 and 17; Regions 15 and 26; Regions 18 and 30; and Region 25 and Subregion 33 (Sections 15004 and 15010).

The revised sections, along with an updated Detailed Table of Contents, Index and Table of Cases are available on the Agency's website (www.nlrb.gov) as well as on the Agency's intranet for viewing. Links from the Table of Contents to specific Manual sections have been added. Where possible, references to GC and OM Memoranda have been hyperlinked to the memoranda for the user's convenience. Hard copies of these updates will not be distributed. Please refer to the electronic version of the Manual for the most updated guidance. If you have any questions regarding this memorandum, please contact your AGC or Deputy or the undersigned.

/s/ A. P.

cc: NLRBU